

## **REMARKS**

Claims 72, 74-76, 78-81, 83-85, 102-121 and 123-128 are pending in the present application. Claims 102-121 have been withdrawn. By this amendment, claims 72, 78, 123, and 126 have been amended to correct minor typographical errors and particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Applicants submit the amendments are supported throughout the specification, including for example at page 12, lines 12 to 34, and no new matter is introduced. Applicants respectfully request entry of the amendment and reconsideration of the claims.

### **I. OBJECTIONS TO THE SEQUENCE LISTING FOR NON-COMPLIANCE SHOULD BE WITHDRAWN**

In Section 8, page 6, of the Office Action, the Sequence listing was objected to because Figure 7 depicts an amino acid sequence, labeled as Mouse Bv8, which does not appear in the Sequence Listing for this application. Applicants submit herewith a new sequence listing, which added the sequence of the long form of mouse Bv8 (SEQ ID NO:41). Appropriate amendments to the specification have been made in order to bring the case into compliance. Accordingly, objections to the sequence listing and specification should be withdrawn. The new sequence of the long form of mouse Bv8 is supported by FIG. 6 and the boxed sequence of putative heparin-binding domain in FIG. 7. Accordingly, no new matter has been added.

### **II. OBJECTIONS TO THE DRAWINGS SHOULD BE WITHDRAWN**

In Section 9, page 6, of the Office Action, FIG 7 was objected to because the sequence depicted for mouse long form Bv8 was not supported by a sequence identifier. Furthermore, according to the Examiner, the depicted sequence for the long form of mouse Bv8 is allegedly at odds with the disclosure. In response, FIG. 7 has been amended to recite the correct long form mouse Bv8 sequence, which is supported by the short form mouse Bv8 sequence, as disclosed in FIG. 6 and the potential heparin-binding domain of the long form mouse Bv8 sequence as shown in the box in FIG. 7. A replacement sheet of FIG. 7 together with drawings, which include all of the figures, *i.e.*, FIGS 1-24, appearing on the immediate prior version of the sheets are submitted herewith. In particular, FIG 7 now recites a

sequence identifier for mouse long form Bv8. Applicants submit that the replacement drawings do not introduce any new matter. Withdrawal of the objection is respectfully requested.

**III. CLAIM REJECTIONS UNDER 35 USC §112, FIRST PARAGRAPH, FOR LACK OF ENABLEMENT SHOULD BE WITHDRAWN**

In Section 12-21, pages 8 to 13, of the Office Action, claims 72, 74-76, 78-81 and 123-128 are rejected under 35 U.S.C. §112, first paragraph for lack of enablement. The Office Action acknowledged that the specification is enabling for methods comprising contacting cells with a Bv8 polypeptide comprising at least 90% identity with the amino acid sequence of SEQ ID NO:2 or SEQ ID NO:4 but does not reasonably provide enablement for methods comprising contacting cells with a Bv8 polypeptide comprising at least 80% identity to SEQ ID NO:2 or SEQ ID NO:4. The Examiner further alleges that claim 78 recites a method of inducing proliferation of lymphoid lineage progenitor cells or progeny thereof using Bv8 wherein the Bv8 comprises an amino acid sequence of SEQ ID NO:2, SEQ ID NO:4, or SEQ ID NO:6, which allegedly does not limit to an entire sequence (Section 15, page 9 of the of the Office Action). Without acquiescing to the propriety of the rejection, and solely for the purpose of advancing prosecution, claims 72 and 126 have been amended to recite a method using a Bv8 polypeptide comprising at least 90% identity with the amino acid sequence of SEQ ID NO:2 or SEQ ID NO:4. The amendment is supported by the specification, for example, at page 12, lines 12-34. Claim 78 has been amended to recite the method of inducing proliferation of lymphoid lineage wherein the Bv8 comprises the amino acid sequence of SEQ ID NO:2, SEQ ID NO:4 or SEQ ID NO:6 as suggested by the Examiner. Claims 79-81, which are dependent on claim 72, are also enabled. Thus, rejection of claims 72, 74-76, 78-81 and 123-128 should be withdrawn.

**IV. CLAIM REJECTIONS UNDER 35 USC § 102(e) SHOULD BE WITHDRAWN**

In section 5, page 3-4, of the Office Action, Claims 72, 74-76, 83-85, 123, 124, 126 and 127 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 2003/0027998 ("the '998 publication"). The Examiner alleges that the '998 publication discloses a polypeptide designated TANGO 266, which is identical to SEQ ID NO:8 (EG-VEGF). Without acquiescing to the propriety of the rejection, and solely for the purpose of advancing prosecution, claims 72 and 123 have been amended to recite a method

comprising administering Bv8, or a combination of Bv8 and EG-VEGF. Accordingly, claims 72, 74-76, 83-85, 123, and 124 no longer recite a method comprising administering EG-VEGF, thus, rejection of these claims should be withdrawn. Applicants submit that claims 126 and 127 do not recite a method comprising administering EG-VEGF, rejection of these claims are in error and should be withdrawn.

**V. CLAIM REJECTIONS UNDER 35 USC § 103(a) SHOULD BE WITHDRAWN**

In section 6, page 4-6, of the Office Action, claims 125 and 128 are rejected under 35 U.S.C. § 103(a) as unpatentable over the '988 publication and further in view of U.S. Patent Application Publication 2003/0171306 ("the '306" publication"), filed June 4, 2001. The Examiner alleges that the '998 publication did not name any myelotoxic or immunosuppressive drugs as recited in claims 125 and 128, but these drawings were taught in the '306 publication. As discussed above, claim 123 no longer recites a method comprising administering EG-VEGF; thus, rejection of claim 125 under 35 U.S.C. § 103(a) should be withdrawn. Similarly, Applicants submit that claim 126 does not recite a method comprising administering EG-VEGF, and therefore rejection of claim 128 should be withdrawn.

**CONCLUSION**

Applicants respectfully request that the amendments and remarks made herein be entered and made of record in the file history of the instant application. In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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